



Fast Track Proposed Regulation Agency Background Document

Agency name	Virginia Department of Agriculture and Consumer Services (VDACS)
Virginia Administrative Code (VAC) citation	2 VAC 5-50
Regulation title	Rules And Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia
Action title	Adds new language to permit the filing of documents electronically
Date this document prepared	January 11, 2008

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

The Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia (2 VAC 5-50) is being amended to insert language into the regulation permitting the filing of documents electronically.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On December 6, 2007, the Board of Agriculture and Consumer Services adopted the proposed amendments to 2 VAC 5-50, Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the scope of the legal authority and the extent to which the authority is mandatory or discretionary.

Section 3.1-724 states that the Board of Agriculture and Consumer Services and the State Veterinarian shall have the authority, and that it shall be their duty to establish rules and regulations to protect domestic animals and poultry from disease.

Section 3.1-726 authorizes the Board of Agriculture and Consumer Services to adopt regulations pertaining to the reporting requirements for contagious and infectious diseases of livestock and poultry in Virginia.

Section 3.1-730 mandates that the Board of Agriculture and Consumer Services or the State Veterinarian give and enforce directions and prescribe rules and regulations as to separating, feeding, and caring for diseased or exposed animals or poultry as shall be necessary to prevent the animals or poultry affected with disease, or capable of communicating disease, from coming in contact with other animals or poultry not affected.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The amendments to the regulation have been recommended by the Attorney General's Government & Regulatory Reform Task Force. These amendments will allow for the electronic reporting of required Brucellosis information for cattle and will provide a more expedited and user-friendly protocol for such reporting than what is allowed by the current regulation. Additionally, the amendments will update the reference to a United States Department of Agriculture regulation to reflect the current name of that regulation

The regulation is essential to protect the health, safety or welfare of citizens by providing the basis for reporting Brucellosis information for cattle which is necessary to prevent, control and eradicate Brucellosis in Virginia. Reporting and tracking of this disease is essential to minimize any economic impact that would be experienced by the cattle industry should this disease not be controlled. Additionally, Brucellosis can be transmitted to humans, making its control of significant importance to the health of Virginia's citizens.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

Please note: If an objection to the use of the fast-track process is received within the 60-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

The proposed amendment is believed to be non-controversial. It is a recommendation of the Attorney General's Government & Regulatory Reform Task Force.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.)

No substantive changes are being proposed to the existing regulation.

Issues

Please identify the issues associated with the proposed regulatory action, including:
1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
3) *other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

The advantage to the public, Department of Agriculture and Consumer Services, and others is that the requirement for submitting reports can be carried out in a more efficient manner. There are no disadvantages.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no requirements that exceed minimum applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There are no localities that will be particularly affected by the proposed amendment.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The flexibility of submitting reports electronically will have no adverse impact on small business. This amendment will simplify reporting requirements as outlined in the current regulation.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	None. There will be no ongoing expenditures related to this action.
Projected cost of the regulation on localities	There are no costs to localities.
Description of the individuals, businesses or other entities likely to be affected by the regulation	Any person practicing veterinary medicine for livestock is likely to be affected by this regulation.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	The entities affected by this regulation are estimated to be 903 Veterinary Practices and 2345 Veterinary Practitioners.
All projected costs of the regulation for affected	There should be no costs to the affected

<p>individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</p>	<p>individuals, businesses or other entities.</p>
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Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

This regulation is being amended to provide for electronic reporting of Brucellosis information for cattle. Such electronic reporting is considered a less burdensome and intrusive alternative than what is currently allowed by the regulation. Additionally, the amendment will update references to a United States Department of Agriculture (USDA) regulation to reflect the current name of that regulation. Allowing electronic reporting and making correct references to the USDA regulation will continue to achieve the intended purpose of the regulation and possibly even expedite such reporting. No additional alternatives to the proposal were considered.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Prevention, control and eradication of Brucellosis in cattle have a positive impact on the institution of the family, in that Brucellosis can be transmitted to humans. Consequently, preventing, controlling and eradicating the disease in Virginia's cattle industry will minimize any negative effects of this disease on humans.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
20	N/A	Cattle declared to be reactors to the official test for brucellosis, or cattle declared to be reactors to any other tests specifically authorized by the State Veterinarian, shall be effectively identified as such. Such cattle shall be immediately tagged with a metal tag in the left ear, bearing the inscription Virginia B.D. or U.S.B.D., quarantined, and promptly reported to the State Veterinarian. Before such animals are permitted to leave the premises where tested, they shall be branded with the letter "B" not less than two inches high on the left jaw.	Recommend inserting language into regulation permitting the filing of documents electronically. "Reports may be filed electronically in a manner specified by VDACS, including, but not limited to, electronic mail or by completing any forms provided online by VDACS".
70	N/A	Official calfhood vaccination for brucellosis shall mean the injection into a female bovine of not less than four months of age nor more than 12 months of age, by an accredited veterinarian or veterinarian in the employ of the state or federal government of a reduced dose of Brucella abortus strain 19 vaccine diluted as approved by the State Veterinarian. At the time cattle are vaccinated, the veterinarian shall apply an official vaccination tag in the right ear, provided no other tag has been previously applied, and apply to the right ear of the vaccinated animal a tattoo containing the United States Registered Shield and V, preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which the vaccination was done. A report of each vaccination shall be made promptly to the State Veterinarian on a form supplied by him.	Recommend inserting language into regulation permitting the filing of documents electronically. "Reports may be filed electronically in a manner specified by VDACS, including, but not limited to, electronic mail or by completing any forms provided online by VDACS".
100	N/A	Brucellosis Classification in the Commonwealth of Virginia shall be governed by the United States Department of Agriculture's Animal and Plant Health Inspection Service as specified in the "Uniform Methods and Rules for Brucellosis Eradication".	Recommend changing "Uniform Methods and Rules for Brucellosis Eradication" to "Recommended Brucellosis Eradication Uniform Methods and Rules".
110	N/A	Brucellosis infected herds may be depopulated where approved by the State Veterinarian provided funds are	Recommend inserting language into regulation permitting the filing of documents electronically.

		<p>available to compensate the owner; or, the owner may follow a test and slaughter program as outlined in the "Uniform Methods and Rules for Brucellosis Eradication", or by procedures established by the State Veterinarian.</p>	<p>"Reports may be filed electronically in a manner specified by VDACS, including, but not limited to, electronic mail or by completing any forms provided online by VDACS".</p> <p>Recommend inserting language into regulation permitting the filing of documents electronically and changing "Uniform Methods and Rules for Brucellosis Eradication" to "Recommended Brucellosis Eradication Uniform Methods and Rules".</p>
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